

1  
2  
3 NEIL C. EVANS (State Bar No. 105669)  
4 LAW OFFICES OF NEIL C. EVANS  
5 13351 D Riverside Drive, Ste. 612  
6 Sherman Oaks, CA 91423  
7 (818) 802-8333

8 Attorney for DEFENDANT  
9 CREDITORS SPECIALTY SERVICE, INC.

10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA  
12

13 KAREN TOMLIN, ) Case No.: 2:15-cv-08544-JRW  
14 )  
15 Plaintiff, ) RESPONSE TO OSC RE SANCTIONS  
16 vs. ) AND DECLARATION OF NEIL C.  
17 ) EVANS IN RESPONSE TO  
18 CREDITORS SPECIALTY ) OSC RE SANCTIONS  
19 SERVICE, ET AL., )  
20 Defendants. )

21 Defendant hereby responds to the OSC re Sanctions  
22 against lead counsel, for the reasons set forth in the  
23 attached Declaration of Neil C. Evans.

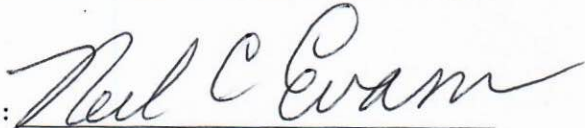
24 Defendant has also filed this date a Notice that  
25 Defendant CREDITORS SPECIALTY SERVICE, INC. ("Defendant"),  
26 filed a Chapter 11 Bankruptcy on August 11, 2016, as Case  
27 No.: 2:16-bk-20721, in the United States Bankruptcy Court,  
28 Central District, which Bankruptcy is still pending, and  
that this action is presently stayed as a result of this

1  
2  
3 filing.

4 Dated: October 4, 2016  
5

6 LAW OFFICES OF NEIL C. EVANS

7  
8 By:



NEIL C. EVANS

9 Attorney for Defendant  
10 CREDITORS SPECIALTY SERVICE, INC.  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DECLARATION OF NEIL C. EVANS

I, NEIL C. EVANS, declare:

1. I am an attorney at law, licensed to practice before all of the Courts of the State of California and of this Central District of the State of California, and I am attorney of record for the sole Defendant in this action, Creditors Specialty Service, Inc.

2. The parties were diligently conducting settlement negotiations in May, June, and July, 2016, and had agreed to a dollar amount of settlement (\$3,000.00) before the deadline to complete ADR under the Trial Management Order(s), but had not concluded the terms by which that amount would be paid. These negotiations had occurred directly between counsel, who have had an amicable relationship and did not believe that the time and expense of a formal mediation was necessary. The inability to consummate the settlement was not the fault of either lead counsel; Defendant was experiencing financial difficulties which prevented me from committing to a precise payment arrangement for the \$3,000 settlement. These financial difficulties were the only obstacle to settlement and there was no other obstacle to settlement.

3. On August 11, 2016, I filed a Chapter 11 Bankruptcy for Defendant Creditors Specialty Service, Inc. as Case No. 2:16-bk-20721. That proceeding is still pending. Because of the volume of work associated with the Chapter 11



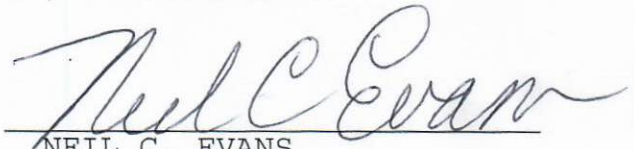
1  
2  
3 filing, I erred and failed to file a Notice of Bankruptcy  
4 Filing and Stay in this action. This oversight was not  
5 intentional and I have now cured that oversight. It was  
6 solely the result of the rather overwhelming filing  
7 requirements for this proceeding and an erroneous belief  
8 that such filing had already occurred in this action. There  
9 are/were over 10 actions pending of a similar nature against  
10 my client and I thought I had filed the Notice in this  
11 action along with many others.  
12

13 4. I respectfully request that the Court  
14 discharge the OSC against counsel based upon the foregoing  
15 facts and events.

16 5. I apologize for any delay in filing the Notice  
17 of Bankruptcy Filing to the Court and counsel.

18 I declare under penalty of perjury under the laws  
19 of the United States that the foregoing is true and correct.

20 Executed at Los Angeles, California on  
21 October 4, 2016.

22   
23 NEIL C. EVANS  
24  
25  
26  
27  
28